



Republic v Baringo County Government & 2 others; KTK Advocates (Exparte) (Judicial Review Application 687 of 2017) [2025] KEHC 1006 (KLR) (Judicial Review) (5 March 2025) (Ruling)

Neutral citation: [2025] KEHC 1006 (KLR)

**REPUBLIC OF KENYA
IN THE HIGH COURT AT NAIROBI (MILIMANI LAW COURTS)
JUDICIAL REVIEW
JUDICIAL REVIEW APPLICATION 687 OF 2017
RE ABURILI, J
MARCH 5, 2025**

BETWEEN

REPUBLIC APPLICANT

AND

BARINGO COUNTY GOVERNMENT 1ST RESPONDENT

THE COUNTY SECRETARY, BARINGO COUNTY 2ND RESPONDENT

CHIEF OFFICER, FINANCE/COUNTY TREASURER, BARINGO

COUNTY 3RD RESPONDENT

AND

KTK ADVOCATES EXPARTE

RULING

1. It is now 10.53 am. The matter was called out at 9.15 am and placed aside in the presence of Mr. Ogola Advocate who informed the court that he had filed and served a Replying affidavit on 27/2/2025.
2. The court record shows that the affidavit in reply was filed on 4/3/2025 at 12.35 pm. Obviously, Mr. Ogola was lying to this court.
3. Additionally, Ms. Olili who has now appeared holding brief for Mr. Ogola cannot explain the filing of the replying affidavit after alleged service upon the applicant, when the directions of the court on 17/2/2025 are clear that the affidavit be filed and served within 5 days of 17/2/2025 and in default, there shall be no enlargement of time.
4. Further, Mr. Kipkorir has brought to the attention of the court the fact that the law firm that filed the Replying affidavit is not the law firm that is on record and that fact is not controverted.



5. Instead, Ms. Olili owns up and concedes that there was no consent from the previous law firm to the present law firm filed in court to take over the conduct of the matter on behalf of the Respondent, since judgment in this matter was delivered over 8 years ago.
6. That being the case, the Replying affidavit sworn by Jacob Kurui Chepkwony on 24/2/2025, apart from being filed out of time without leave of court, and even if the court was to allow the said affidavit to be deemed to be duly filed, regrettably, it is filed by a law firm which is not on record acting for the Respondent.
7. Consequently, the Replying affidavit sworn on 24/2/2025 by Jacob Kurui Chepkwony is hereby struck out.
8. The applicant is allowed to proceed and address the court on his application dated 5/7/2024.
9. I so order.

DATED, SIGNED AND DELIVERED AT NAIROBI THIS 5TH DAY OF MARCH, 2025

R.E. ABURILI

JUDGE

